

# EXHIBIT E

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

3 DAMON CHAPPELLE, Plaintiff :  
4 vs. :  
5  
6 DAVID VARANO, SUPERINTENDENT, :  
7 SCI-COAL TOWNSHIP; MICHELLE NO. 11-0304  
KODACK, RECORDS SUPERVISOR,  
SCI-COAL TOWNSHIP; DEBORAH :  
8 HERBST, RECORDS SPECIALIST,  
SCI-COAL TOWNSHIP; MR. DUNN,  
UNIT MANAGER, SCI-COAL :  
9 TOWNSHIP; MS. FOULDS,  
COUNSELOR, SCI-COAL TOWNSHIP,  
10 Defendants :  
  
COPY

Deposition of: RENEE FOULDS

Taken by : Plaintiff

**Before** : Faith A. Culp  
Reporteur-Notary Public

Beginning : June 21, 2012; 2:16 p.m.

Place : SCI-Coal Township  
1 Kelley Drive  
Shamokin, Pennsylvania

**COUNSEL PRESENT:**

JENNIFER J. TOBIN, ESQUIRE  
718 Arch Street, Suite 304 South  
Philadelphia, Pennsylvania 19106  
For - Plaintiff

**RECEIVED**

JUL 09 2012

Office of Attorney General  
Litigation Section

1 COUNSEL PRESENT (continued):

2 TIMOTHY P. KEATING, ESQUIRE  
3 Senior Deputy Attorney General  
4 Pennsylvania Office of Attorney General  
5 Litigation Section  
6 15th Floor, Strawberry Square  
7 Harrisburg, Pennsylvania 17120  
8 For - Defendants

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1 INDEX TO WITNESSES

2 FOR - PLAINTIFF DIRECT CROSS REDIRECT RECROSS

3 Renee Foulds 4 49 53 --

10 INDEX TO EXHIBITS

11 FOR - PLAINTIFF MARKED ADMITTED

12 Foulds Exhibit No. 1 20 --

13 Foulds Exhibit No. 2 40 --

1 STIPULATION

2 It is hereby stipulated by and between  
3 counsel for the respective parties that sealing,  
4 certification and filing are hereby waived; and that  
5 all objections except as to the form of the question  
6 are reserved to the time of trial.

7

8 \* \* \*

9  
10 RENEE FOULDS, called as a witness, having  
11 been duly sworn or affirmed, testified as follows:

12 DIRECT EXAMINATION

13 BY MS. TOBIN:

14 Q Good afternoon, Ms. Foulds.

15 A Hello.

16 Q As we met off the record I'm Jennifer Tobin.  
17 I'm the lawyer for the Plaintiff in this case, Damon  
18 Chappelle. And you indicated earlier that you have  
19 not been deposed before.

20 A Correct.

21 Q I'm going to go over some ground rules.  
22 Before I do, I'd like you to just state and spell your  
23 full name for the record.

24 A Renee Marie Foulds; R-e-n-e-e, M-a-r-i-e,  
25 F-o-u-l-d-s.

1       Q     And just to give you a basic set of  
2 guidelines on how this will go, a deposition is  
3 essentially a question and answer session. All of our  
4 words are taken down by the court reporter.

5              So one of the main rules of depositions is  
6 that we have to take turns speaking. So if you will  
7 please wait until I'm done asking a question before  
8 you start to answer and I will similarly try to wait  
9 until you're done with your answer before I start with  
10 another question.

11       A     Okay.

12       Q     Another deposition guideline is that if you  
13 don't understand one of my questions, you need to tell  
14 me so that I can rephrase it and I will do so. And if  
15 you are guessing about an answer or approximating, you  
16 need to let me know.

17              If you don't let me know that you don't  
18 understand a question and I ask it and you answer, I'm  
19 going to presume that you did understand it when I  
20 asked it. Does that sound fair?

21       A     Okay.

22       Q     Another thing is since Ms. Culp is taking  
23 down all of our words and she can't take down a  
24 gesture, if you could give vocal answers as opposed to  
25 a nod of the head or a shake of the head.

1 A All right.

2 Q Okay. Thanks. Any questions for me about  
3 how this will go?

4 A No.

5 Q Okay.

6 MR. KEATING: If you want to stop at any time  
7 and talk to me or stop and just take a break at any  
8 time, I'm your attorney here. You know that. We can  
9 do that. No problem.

10 THE WITNESS: Can we do that before we start  
11 for a few minutes?

12 MR. KEATING: Sure. You want to go out and  
13 talk?

14 (Whereupon, a recess was taken from 2:19 p.m.  
15 until 2:22 p.m.)

16 AFTER RECESS

17 BY MS. TOBIN:

18 Q I'm not going to grill, I'm just going to  
19 ask. As Mr. Keating was saying if you need to take a  
20 break, just let me know. It's not a problem.

21 A Okay.

22 Q I don't anticipate this deposition will be  
23 very long. But you might need to take a break and if  
24 you do, the only request I have is that you answer the  
25 question that's pending before you take the break.

1 A Okay. Fine.

2 Q So if you could, just give me a timeline of  
3 your employment since high school.

4 A Okay. During high school, I worked --

5 MR. KEATING: After high school.

6 BY MS. TOBIN:

7 Q You can skip during high school.

8 A Okay. Does it have to be complete because I  
9 may not recall everything?

10 MR. KEATING: No. Just your job history.

11 BY MS. TOBIN:

12 Q What I'd like is I'm just trying to get a  
13 sense of when you started here and any professional  
14 jobs you held prior to starting here.

15 A Okay. That's fine. In January of 1998, I  
16 began employment with the Commonwealth of Pennsylvania  
17 as a residential services aide trainee at Selinsgrove  
18 Center.

19 Q What is Selinsgrove Center?

20 A It's a mental retardation facility under the  
21 Department of Public Welfare.

22 Q And what did you do as a residential services  
23 aide trainee?

24 A I cared for the individuals who lived within  
25 that center.

1 Q Who had developmental disabilities?

2 A Yes.

3 Q How old were they?

4 A They were adults.

5 Q And that was in January of '98. How long did  
6 you do that?

7 A That was a limited term wage position. So  
8 for approximately six months. I think it was July of  
9 '98 that I was then laid off. A group. Everyone was  
10 laid off. And so I began my employment shortly  
11 thereafter with the Department of Corrections in  
12 September of 1998.

13 Q And what was your position at that time?

14 A Corrections officer trainee.

15 MR. KEATING: COT?

16 THE WITNESS: Yes, COT.

17 BY MS. TOBIN:

18 Q And how long were you a COT? Was that one  
19 year?

20 A One year.

21 Q And in September of '99, did you become a  
22 COI?

23 A Yes. I was promoted.

24 Q Was that here at Coal Township?

25 A No. That was at SCI Mahanoy.

1 Q And when you became a CO1, were you also at  
2 Mahanoy?

3 A Yes. I was at Mahanoy until February of 2004  
4 as a CO1 during that whole time until I transferred  
5 here to Coal Township.

6 Q You said February of 2004?

7 A Yes.

8 Q And when you transferred to Coal Township,  
9 was that still as a CO1?

10 A Yes.

11 Q How long did you keep that position here at  
12 Coal Township?

13 A I was promoted to counselor in 2006. I think  
14 like July of 2006.

15 Q And was that counselor -- corrections  
16 counselor one?

17 A Corrections counselor one, yes.

18 Q And how long did you stay in that position?

19 A Approximately five months later I was  
20 promoted to corrections counselor two.

21 Q And that's the position you currently hold?

22 A No.

23 Q What is your current position?

24 A I'm a corrections unit manager.

25 Q Okay. And when did that promotion happen?

1 A December 2010.

2 Q What unit are you currently the unit manager  
3 for?

4 A All of A unit and half of B unit.

5 Q So in 2009 which is the general time frame of  
6 when the events underlying this lawsuit happened, you  
7 were a corrections counselor two?

8 A Correct.

9 Q Okay. How many levels of corrections  
10 counselors are there?

11 A Two.

12 Q Prior to starting in '98 at the residential  
13 place for adults with developmental disabilities, what  
14 was your educational background?

15 A Prior to 1998, I had a high school diploma; I  
16 had a cosmetology license; and I had completed I think  
17 three semesters of college credits.

18 Q And did you subsequently take additional  
19 semesters of college?

20 A Yes. After my employment began with the  
21 Department of Corrections, I returned to school.

22 Q Okay. Do you currently hold any degrees?

23 A I hold an associate's degree in criminal  
24 justice, associate in applied science, bachelor's  
25 degree in criminal justice, and a master's degree in

1       criminal justice.

2           Q     Where did you get the master's degree in  
3     criminal justice?

4           A     Kaplan University.

5           Q     Where is that?

6           A     I attended on-line school, but it's located  
7     in Davenport, Iowa.

8           Q     And when did you get that degree?

9           A     I believe it was July 2010.

10          Q     Was that a requirement for becoming a unit  
11     manager?

12          A     No.

13          Q     Can you describe for me back in 2009 when you  
14     were a corrections counselor two what your major main  
15     duties were?

16          A     My main duties were to at that time handle  
17     the caseload on B2 housing unit. And I also did some  
18     treatment programs, but I can't recall if it was at  
19     the same time that I was doing that or not.

20          Q     So when you say treatment programs, do you  
21     mean that you provided programming for the inmates?

22          A     Yeah. Yes. As part of a corrections  
23     counselor's position initially when I started being a  
24     counselor, the counselors here within the institution  
25     had dual roles where they handled a caseload on the

1 unit and they also provided treatment programs for  
2 which they were trained to provide.

3 Since that time, and I don't remember when  
4 that happened, they've divided the counselors to those  
5 specifically case managers and specifically treatment  
6 programs. But initially for the first few years we  
7 did both.

8 Q You wore multiple hats?

9 A Yes.

10 Q Or two hats. Are those people who do the  
11 programming now called treatment specialists?

12 A Yes.

13 Q Okay. And when you say you managed a  
14 caseload, does that mean you had a certain number of  
15 inmates you were responsible for?

16 A That means all the inmates who lived on B2  
17 housing unit at that time I was responsible for. Now,  
18 many times over the course of the time that I was  
19 corrections counselor two, other housing units would  
20 be also divided up among all of the counselors because  
21 when there's not a counselor at each location, those  
22 caseloads have to be shared. So I may have had more  
23 than just B2 housing unit, but it's hard to determine.

24 Q And then on average -- and I know this is  
25 difficult -- in 2009 on unit B2 when you were -- had a

1 caseload, how many people would be in that caseload?

2 A That unit can house 130 inmates so I would  
3 say on average somewhere between 115 to 125 inmates.  
4 But there were a lot of times when I had both housing  
5 units so I would have B2 and there was no counselor on  
6 B1. So sometimes I would have the entire housing unit  
7 assigned to me which could be upwards of 250 inmates.

8 Q Sounds like a lot of inmates?

9 A Or it could be some on C housing unit and  
10 then I had some in the RHU. So there were many  
11 inmates.

12 Q And for those inmates what were your main  
13 tasks in managing the caseload?

14 A The main tasks were initially when they were  
15 received here, I would review their file with them and  
16 review their treatment recommendations and review some  
17 initial information to help them plan for their  
18 eventual release.

19 Review their classification information and  
20 make sure all that was correct. Essentially figure  
21 out where they were when they got here, what things  
22 had to be addressed for their eventual release, and  
23 then plan for that.

24 Q And so when you would have that meeting, how  
25 soon after they got here would you have that?

1       A     Well, it's supposed to be within five days.  
2     So I would keep as close to that as possible. But,  
3     you know, I can't really exactly say for each  
4     particular inmate. It would depend on when I received  
5     their record on the unit to have that information. So  
6     it would be within five days of the time that I  
7     received their record.

8       Q     And in terms of planning for their eventual  
9     release, there's been earlier testimony about that the  
10    people at the institution aren't the ones who  
11    determine what the programs are that are required; is  
12    that accurate? You all don't decide which programs an  
13    inmate gets?

14      A     Well, at one time the counselor here within  
15    the institution was the one to make those program  
16    recommendations. And then I'm not sure when the  
17    diagnostic center at Camp Hill changed it to that all  
18    the programs will be recommended during classification  
19    and not then at the institution.

20           So initially the counselors here did that.  
21    But after time, that was a task that was centralized.

22      Q     So in 2009, that task had already been done  
23    by the diagnostic and classification center?

24      A     Maybe. I'm not really certain when that  
25    change took place.

1       Q     Okay. And in terms of planning for an  
2 inmate's eventual release, did you -- how did you know  
3 when to schedule that inmate for what programs? How  
4 did you do that scheduling?

5       A     Well, inmates would be scheduled for programs  
6 based on their minimum dates. And we had a matrix to  
7 follow based on what certain assessment scores  
8 revealed combined with the inmate's criminal history  
9 and current crime. There was a tool for us to use to  
10 make those recommendations. And they would be placed  
11 on a waiting list that was prioritized by their  
12 minimum date.

13      Q     And then did you also do planning -- so  
14 basically before their first time they could apply for  
15 both parole, you needed to get them ready for that  
16 event?

17      A     Yeah. Inmates who were not -- had not yet  
18 reached a minimum date. Inmates who were initial  
19 receptions were the ones who were all this pretty much  
20 that I'm talking about when they had their entire file  
21 was gone over, all of their release planning, all of  
22 that stuff would happen with initial receptions.

23           And there was different -- there was a  
24 different much shorter version of initial reception  
25 interview that would happen with parole violators

1 because we did not have a lot of information that we  
2 needed at the time when parole violators would come  
3 back.

4 Q But they would still see you when they came  
5 back?

6 A Sure. Yeah. They would still see us, yes.

7 Q So where did you get the information about  
8 their minimum date? Where did you access that  
9 information?

10 A When parole violators come back, they're kind  
11 of on a hold as far as the counselor knowing what  
12 their parole review date to see the parole board again  
13 would be or any of that information because we have to  
14 wait on two forms of information.

15 We have to wait on the records sentence  
16 status summary that tells us exactly what the  
17 disposition of that inmate is when they've been  
18 recommitted formally as a convicted or technical  
19 parole violator and then that would tell us what the  
20 new sentence structure is.

21 And also we would have to wait for the green  
22 sheet from parole that would tell us, also, that that  
23 inmate now has formally been recommitted as a  
24 technical or convicted parole violator and when their  
25 next review date would be.

1 Q So the first document you referred to, that  
2 sentence status sheet, is that the DC-16E?

3 A It is.

4 Q And it used to be the DC-16D?

5 A Yes.

6 Q And then the green sheet, that's a parole  
7 board document?

8 A A parole board action, yes.

9 Q You would get -- who would you get that from?

10 A They would be sent through the institutional  
11 mail. And I really don't know who drops them in the  
12 mail. I have to assume that it's from our parole  
13 department.

14 Q The institutional parole office?

15 A I believe so, yes.

16 Q So someone coming from fresh in initial  
17 reception, is that what you call them?

18 A Yes.

19 Q When someone comes in fresh, where would you  
20 get their information on their minimum date?

21 A That would already be in their DC-14 file  
22 that would come from the records department up to the  
23 unit. So that's what I was referring to. We would  
24 have to wait until we get that file until we have a  
25 clear picture of everything that needs addressed with

1 that inmate. That's why, you know, it may be within  
2 five days or it could be potentially longer. I can't  
3 see an inmate if I don't know anything about him.

4 Q And so you have -- you get that file, you  
5 review it, and you're planning for his minimum date,  
6 his parole staffing, his first parole staffing; is  
7 that correct?

8 A Yes. And the planning may just be having a  
9 brief discussion about it if it's very far away, you  
10 know.

11 Q And then do you keep track of the programs  
12 that the DSCC, the Diagnostic Classification Center,  
13 do you keep track of the programs they have required  
14 of this person and what the person's actually done?

15 A Yes. There's a sheet called a DC-43. It  
16 used to be called a PPP, Prescriptive Program Plan but  
17 it's also called Correctional Plan is what it's  
18 called.

19 And that form is -- a hard copy is placed  
20 into their file that we can view but also when an  
21 initial inmate comes to the unit, I will review in  
22 their file and look at what's placed in the hard copy  
23 versus what's actually on-line on DOCNet to see if  
24 there have been any updates or changes, and then I  
25 will print a new copy and give the inmate the updated

1 information.

2 Q And then retrospectively -- or retroactively  
3 can you look on the computer or in the file to see  
4 what programs have been completed?

5 A That sheet will show what has been  
6 recommended, what is currently being administered, and  
7 what has been completed.

8 Q So you --

9 A It will show all three different sections.

10 Q Okay. And the DC-14 file that's something  
11 that the counselor -- correctional counselor  
12 maintains?

13 A Yes. It's the counselor's file.

14 Q And how -- where is that maintained?

15 A Well, at the time when I was a counselor, it  
16 was maintained in a locked filing cabinet in my  
17 office.

18 Q And what is the procedure for either keeping  
19 or discarding the DC-14 after an inmate leaves the  
20 institution?

21 A When an inmate leaves the institution --  
22 well, at any time an inmate leaves my unit, I forward  
23 that file either to the unit that he moved to or to  
24 the records department if the inmate was leaving.

25 Q So it would be -- would it be combined with

1 the DC-15 at that point in time?

2 A I don't know.

3 Q You just give it to the records?

4 A I send it in a locked mail cart in the  
5 records department bin or hand carry it if it needs to  
6 be there quickly, and the records office takes it from  
7 there. I don't know what happens with it.

8 Q So you don't purge any DC-14 files, you  
9 yourself?

10 A Never. No.

11 Q Do you know what the retention schedule or  
12 the purging schedule is for the DC-14?

13 A I believe they keep it on file for five years  
14 here in the institution and then it's forwarded to  
15 central records. And I'm not sure how long they keep  
16 it on file.

17 Q Okay.

18 (Whereupon, a document was produced and  
19 marked as Foulds Exhibit No. 1 for identification.)

20 BY MS. TOBIN:

21 Q I'm showing you a document that I've marked  
22 Foulds 1. If you could please review that and when  
23 you're done, let me know.

24 A All right.

25 Q Okay. So what is this document?

1 A It appears to be a job description.

2 Q Is this the job description that was yours  
3 when you were a corrections counselor two?

4 A It doesn't have my signature so I can't be  
5 sure. Some of it looks familiar but as I'm reading  
6 through it, some of it looks not familiar.

7 Q Did you -- so you signed one. You signed one  
8 at one point?

9 A Sure. I had to sign one to acknowledge.  
10 Every time that my supervisor would update my job  
11 description, I would have to sign it.

12 Q And do you know if those would be in your  
13 personnel file or stored somewhere else?

14 A I would say they should be, but I'm not  
15 certain.

16 Q Could you tell me what on this document looks  
17 not familiar or what you think is not part of what you  
18 signed?

19 A Well, a lot of this section here where it  
20 speaks to community corrections I don't believe any of  
21 that part was involved with my specific job  
22 description. Also, it says that it's from 1998. And  
23 I should say that a lot of things could have changed  
24 between 1998 and 2006.

25 Q So I'd like to ask you some questions about

1 the general job and this is what we've got today so  
2 I'm going to just ask you some things and if it's not  
3 on your job description from 2009 is the period we're  
4 looking at, then just let me know.

5 But I would like to get a copy of your job  
6 description from that time period from your file just  
7 in case there's any major differences.

8 So the definition on this talks about  
9 advanced professional work in counseling and casework  
10 services. And then there's references to intensive  
11 and extensive counseling. Was that part of your job  
12 when you had the job in 2009?

13 A In 2009 I believe that my job description  
14 read something closer to will provide group and  
15 individual counseling rather than intensive and  
16 extensive counseling.

17 Q Okay. What was group and individual  
18 counseling? Can you describe what that was?

19 A Group counseling was essentially the  
20 standardized treatment programs that I would  
21 facilitate.

22 Q So that was as a treatment -- when you were  
23 wearing the hat as treatment specialist?

24 A There was no such thing as a treatment  
25 specialist at that time. So every counselor

1 administered different treatment programs based on  
2 which of the number of programs that we have that they  
3 were specifically trained for.

4 Q Okay. And then individual counseling. Can  
5 you give examples of what that consisted of?

6 A That may consist of discussing emotional  
7 issues with inmates or family things that they want to  
8 discuss, things of that nature. More personal matters  
9 that they would request to come and discuss with the  
10 counselor.

11 Q And did you have an office that was on the  
12 unit?

13 A Yes.

14 Q And inmates could come to your office and did  
15 they have to make an appointment?

16 A Generally, I requested that inmates submit a  
17 request slip. That way on our request slip system it  
18 usually says that they should be brief and clear in  
19 what it is that they wanted to request to see a staff  
20 member for.

21 I would have an idea of what their concern  
22 was so that I could schedule an appropriate amount of  
23 time. So rather than them knock on my door, I  
24 insisted on a request slip system.

25 Q And would you respond to those request slips

1       in writing in the response section and send it back to  
2       the inmate?

3           A     Sometimes. If it was a very clear request  
4       that could be answered in just one or two short  
5       sentences with very basic information, I would respond  
6       in writing.

7               If it was something that was more abstract or  
8       would require a lot more time or that I had to get  
9       information above and beyond what I would write, you  
10      know, in a little paragraph, then I would just respond  
11      in person because it may take longer.

12       Q     And so jumping into the underlying basis for  
13      this case. Do you remember an inmate that went by the  
14      name of Kevin Jessup back in 2009?

15       A     I remember Jessup, yes.

16       Q     And what do you remember about him?

17       A     What I remember is that many times he had  
18      complained that he was not supposed to be here. That  
19      he didn't believe that he was a parole violator. He  
20      thought he had served his time and he didn't think he  
21      was here legally or however you want to say that.

22               So I do recall speaking to him on several  
23      occasions. And I didn't have a lot of information.  
24      What he was telling me was really the only information  
25      I had.

1           And the whole thing kind of I recall vague,  
2 but I do remember that he was always very frustrated,  
3 he was bringing it to my attention.

4           And I pretty much what I remember most was  
5 that I kept telling him, you know, as far as the  
6 information that I have, you know, we have to wait  
7 until the paperwork comes through from the records  
8 department and parole. Really they would know the  
9 answers to your questions if you're questioning if  
10 something's not correct because I have to go by what  
11 they send to me. I don't know. I don't bring you  
12 back to jail. I don't do any of those kind of things.  
13 I have to go by the information that's given to me.

14           So it was kind of always a back and forth  
15 thing. And I would try and talk to him about well,  
16 can you explain to me why do you think this? And then  
17 he would go on with an explanation of dates and  
18 timelines and things that really I had no way to  
19 verify or know, you know what I mean.

20           Q     Yeah. You remember having -- you had the  
21 individual sessions with him?

22           A     I remember speaking to him. I don't remember  
23 how many times. But I do have an impression where I  
24 remember having him in my office more than one time  
25 and the conversation was that he was very upset

1 thinking that something was wrong with his commitment.  
2 But there was little that I could do to remedy that at  
3 the time.

4 Q Can you describe his demeanor during those  
5 visits? You said he was upset. But can you describe  
6 how he was acting?

7 A How do you mean?

8 Q How would you -- would you be able to  
9 describe -- did you have a sense of -- this is hard.  
10 Can you describe how he looked when he was in your  
11 office or any actions he was taking?

12 A I don't know that I can. My general  
13 impression was that I mean he was polite, he was very  
14 respectful, he was insistent. And every time that I  
15 would explain to him that, you know, I can do nothing  
16 about changing his commitment. I can do nothing about  
17 his paperwork because I don't think I had it even  
18 initially when we were talking about it because I know  
19 that I had to get him to explain the entire thing to  
20 me because I didn't understand why he thought that he  
21 was here by mistake.

22 And I just my general impression was that he  
23 was insistent. He was respectful even when I told him  
24 that there was nothing I could do, but he persisted.  
25 I know I saw him more than once.

1 Q And did you see him as the result of request  
2 slips being submitted to you?

3 A Probably.

4 Q And after -- during the meeting, just  
5 generally how did you -- did you take any steps to  
6 look into his allegations? And I know you said you  
7 only had what he told you. Did you take any steps to  
8 look into that?

9 A I think that I would have called the records  
10 office just to question it, you know, and get a feel  
11 for the information that he was telling me versus the  
12 information that they have.

13 And that's my general impression, but I don't  
14 recall exactly whether I did that and what the details  
15 were or who I spoke to. It's just my general  
16 impression of a memory of it.

17 Q Did you look in the computer system or after  
18 you received the DC-14, look in his file to see if you  
19 could find any information that would help you  
20 understand his problem?

21 A I don't recall when I received his file or if  
22 I ever did. And I would say, you know, if you ask me  
23 this today, my initial first thing that I would do is  
24 try and pull up whatever information on the computer  
25 that I could. Whether I did that then I really can't

1 exactly say. I think that I would have, but I can't  
2 really say.

3 Q So just to be clear for the time periods,  
4 what we're talking about now is when he was returned  
5 to Coal Township in April of '09.

6 A My general --

7 MR. KEATING: Wait a minute.

8 BY MS. TOBIN:

9 Q Let me ask you a question.

10 A I'm sorry.

11 Q So we're talking about that time period. You  
12 were a correctional -- you were his correctional  
13 counselor at that point in time. He was assigned to  
14 your caseload in April of '09?

15 A If he lived on B2 housing unit, he certainly  
16 was.

17 Q And he was coming back after serving a  
18 federal sentence that he was paroled to in July of  
19 2007. Do you know if he was also in your caseload  
20 before he left in July of 2007?

21 A I don't know for sure, but I don't think so  
22 because I don't believe that I had met him before  
23 2009.

24 Q Okay.

25 A Or at least met him on my caseload. I think

1 that I may have met him as a CO in the institution.  
2 But I don't think he was ever on my caseload.

3 Q So you may have met him when you were just  
4 here not doing that job?

5 A Probably, yeah.

6 Q Did you have any interactions with him that  
7 you can remember back then when you were a CO?

8 A No. I don't remember. There's 2,000 inmates  
9 or something here. But I did work on every housing  
10 unit, you know, and in every different post during the  
11 time when I was a CO. So I must have had some contact  
12 with him beforehand. But I don't recall exactly  
13 because he was a familiar person.

14 Q So before April of -- I guess if you weren't  
15 his counselor prior to April of '09. Did you  
16 eventually get his DC-14?

17 A I don't remember if I did or not. Parole  
18 violators sometimes we receive their DC-14 and  
19 sometimes we never do. And, you know, once it would  
20 get to a point that we are told that they're going to  
21 be on a parole docket and to prepare a staffing  
22 packet, then we would have to go and try and gather as  
23 much random information as we can to put together a  
24 packet.

25 So anything that may be available in a DC-15

1 that the records department would have created, then  
2 we would have to create one. So there's no way for me  
3 to remember whether or not I did receive it or didn't.

4 Q And then if you didn't have it, you could  
5 access the DC-15 through the records department,  
6 right?

7 A Yes.

8 Q And you could also access some information  
9 about him on the computer system?

10 A Yes. Like the DC-16E, the sentence status  
11 summary sheet, I wouldn't have to go to the records  
12 department for that because once one was available, a  
13 hard copy would be mailed to me through the  
14 institutional mail and also at the same time would be  
15 available for viewing through the computer.

16 Q Did you look on the computer to look at his  
17 DC-16E forms at any point after you had these meetings  
18 with him where he was complaining about over  
19 detention?

20 A Well, my impression of a memory from this is  
21 when we were talking about it and I did not understand  
22 what he was explaining to me, I think that I tried to  
23 open that up and view it at the same time. That would  
24 be my -- that would be the only way for me to try and  
25 follow what he was telling me. Whether I absolutely

1 did and could access it, I can't remember. But I  
2 would have tried anyway to look at it.

3 Q What was -- what was your understanding --  
4 you mentioned before that he complained that he didn't  
5 think he was a parole violator and that he shouldn't  
6 be there. What was your understanding of that  
7 complaint? What was his beef?

8 A Well, I do remember that he told me that he  
9 was paroled, then he got a federal case, did a federal  
10 sentence, and that it was his understanding that he  
11 was done after that. And that parole was telling him  
12 that he violated and he didn't think that was right.

13 So that's my general memory of it. I really  
14 don't know any more details than that. I just know  
15 that that was the gist of it.

16 Q Okay.

17 A Now, even if -- whether it were accurate or  
18 were not accurate for him to have been recommitted,  
19 initially when he's recommitted, there's this window  
20 of time where he's a parole violator pending and until  
21 a board action comes through and the records  
22 department does another 16E, there's no way for me to  
23 know if it's accurate or not.

24 The only way that I ever know as a counselor  
25 is once I receive those two documents. So I guess

1 essentially what I'm saying is, you know, I listened  
2 to what he told me and I tried to feel out some detail  
3 that would stand out to me of the story that he told  
4 me of why could this be incorrect but there was really  
5 no way for me to know because even for cases who are  
6 absolutely, you know, supposed to be recommitted,  
7 there's a window of time that you just don't know that  
8 information as a counselor.

9 Q So when he was a PVP and things were murky in  
10 terms of what information you had, you didn't have the  
11 documents to confirm or deny what he was saying?

12 A Right. There had to be a window of time that  
13 I had neither of those documents because there is with  
14 every parole violator a window of time that they  
15 are -- when they're a parole violator pending, they're  
16 really kind of just here without us having all the  
17 information that we need to know what it is that took  
18 place and what's the next step for them. So they're  
19 kind of on hold.

20 Q What did you -- did you advise him to do  
21 anything? Did you -- or did you take any other steps?

22 A Yeah. I remember telling him that he needs  
23 to bring his concerns to the records department and to  
24 his parole agent because they're the ones who would  
25 have the answers before I did, before those documents

1 came to me.

2 Q Did you contact the records department or the  
3 parole -- did you say the parole agent?

4 A The agent I told him to write to. No, I did  
5 not contact the parole agent to the best of my  
6 knowledge. And I may have called the records  
7 department as I said before, but I'm not 100 percent  
8 sure if I did or not.

9 Q And was the first conversation that you had  
10 with him about this issue, the over detention issue,  
11 was that held during the initial meeting when he first  
12 came back to the institution in April of 2009?

13 A Most likely, yes. That would be something  
14 that we would discuss during that. You know, I would  
15 ask them straight out why are you back as a parole  
16 violator?

17 Because many times their report to me is all  
18 I have to go from until I have a copy of the parole  
19 supervision report that might hint to what happened or  
20 until I get the actual board action.

21 Q So you asked him -- you may have asked him  
22 that question?

23 A I must have asked him. That's one of the  
24 normal questions I would ask, yes.

25 Q And at that point were you able to look or

1 did you look on the computer to see what programs he  
2 had taken before he had gone to serve his federal  
3 sentence?

4 A Probably if it was available, that would have  
5 been one of the things I would have done during an  
6 initial reception interview. Whether I did that with  
7 him I can't say because I don't recall. But normally  
8 I would do that, yes.

9 Q Did he tell you that he had already served  
10 from 1996 to 2001 at Coal Township?

11 A He may have.

12 Q And do you have any reason to -- I mean were  
13 you able to confirm that on the computer? Did you  
14 take that step or did that even come up?

15 A I don't think so, no. There have been times,  
16 many times where an inmate is a parole violator  
17 pending who is already past their maximum date, so  
18 it's not unusual for me to have the impression that I  
19 have no idea what is going on with their case until I  
20 get a board action because, you know, as I've said,  
21 even sometimes inmates are parole violator pending who  
22 are past their maximum date for the sentence for which  
23 they, you know, supposedly violated parole.

24 So there's always this uncertainty about the  
25 circumstances of why a parole violator is back. Until

1 I receive those documents, I really don't know.

2 Q Do you have someone that you can contact in  
3 the institutional parole office to discuss these  
4 issues?

5 A Sometimes their agents have that information  
6 and sometimes they don't because if their agents also  
7 don't have a board action, maybe they may not know.  
8 Because it may be the agent on the street who is the  
9 one who has the documentation that would give the  
10 answer to why the guy was sent back. So, you know, I  
11 could call the parole agent but they may not know  
12 either.

13 Q When you say the parole agent, do you mean  
14 the institutional?

15 A The institutional agent, um-hum.

16 Q So during your time as a correctional  
17 counselor either one or two, how many inmates had the  
18 problem of being a PVP, parole violator pending, even  
19 though their sentence was complete that you remember?

20 A I don't know.

21 Q If you can approximate.

22 MR. KEATING: Yeah. No. I'm going to object  
23 to that question, but you can go ahead and answer it.

24 BY MS. TOBIN:

25 Q Well, you testified earlier that it was many.

1                   MR. KEATING: No. That's not what she  
2 testified to. You're saying who completed their  
3 sentence. She said past their max date, and that's  
4 two different things.

5                   MS. TOBIN: Okay. Let me rephrase it then.

6                   MR. KEATING: Okay.

7 BY MS. TOBIN:

8                   Q     So how many people, if you can estimate, fall  
9 into that category, people who are past their max date  
10 but are considered PVP?

11                  A     I couldn't provide an exact number at all.  
12 I'm speaking from, you know, general terms that I have  
13 seen this happen enough times to know that there's no  
14 definitive way to know the circumstances of a parole  
15 violator's recommitment until the actual documents  
16 arrive.

17                  Because many times, you know, if that has  
18 happened, the inmate will say, you know, I shouldn't  
19 have been brought back. I finished my sentence, blah,  
20 blah, blah.

21                  But what they fail to bring to light is the  
22 fact that they were on parole at the time that they  
23 committed the offense even though they were on the run  
24 for six years and now it's been, you know, four years  
25 since their max date. They fail to bring that

1 information to light.

2 So it's never a certainty for me to  
3 understand the circumstances of a parole violator's  
4 commitment until I see the documentation.

5 Q Do you recall whether you eventually did see  
6 the documentation for Mr. Chappelle?

7 A I do not recall whether I did or not.

8 Q Did you later -- so he ultimately was  
9 released on July 30th of 2009. Do you recall whether  
10 you did any follow-up with him from April to July  
11 about the issue?

12 A No, I don't. Like I said, I know that I had  
13 met with him more than one time. I can't say how many  
14 more times. And I don't personally recall there ever  
15 being any resolution to his concerns but, you know,  
16 that information could have escaped me because I had a  
17 lot of inmates on my caseload.

18 Q So you weren't involved in his -- when he was  
19 ultimately released, you weren't involved in that  
20 process?

21 A I don't even recall how he was released. You  
22 know, I would assume that he could have been, you  
23 know, released one day without any advanced notice.  
24 But I don't know how he was released, in what manner,  
25 and I don't recall preparing anything for his release

1 paperwork.

2 Q During that time period when he was back here  
3 from April to July, did you have any meetings with him  
4 that weren't about this issue? Did you have any non  
5 over detention related meetings with him?

6 A I don't remember. There's no way for me to  
7 remember.

8 Q Did you keep track -- was there a record or a  
9 log of like your schedule? Did you have an  
10 appointment book where you had inmates, like a  
11 doctor's appointment book, scheduled?

12 A No, I didn't. Essentially I handled my  
13 caseload and whatever additional part of the caseload  
14 that I had. And for most of the time that I was  
15 corrections counselor I had two to two and a half  
16 times what everybody else's caseload was.

17 So pretty much I handled work as it came at  
18 me. Got as much possibly done in a day as I could and  
19 I only kept records on things that were unusual or  
20 extraordinary, you know, in terms of inmate's behavior  
21 or things that I forwarded to somebody else or  
22 whatever.

23 I would keep notes on specific inmates when  
24 it was required I guess is what I meant to say.

25 Q And the notes would be in the DC-14?

1       A     Or on the accumulative adjustment record  
2 system of DOCNet which is the electronic version, yes.

3       Q     Is that the DC-17X?

4       A     No. That's a different -- completely  
5 different form. It's called the ICAR, Accumulative  
6 Adjustment Report. It's the electronic equivalent of  
7 what a DC-14 case note is hard copy.

8       Q     And are those -- those are on the computer so  
9 you would go to a screen to review those?

10      A     Yeah. You can enter comments or to view any  
11 of the comments that had been entered.

12      Q     So any notes that you wrote about Mr. Jessup  
13 would likely be in that form?

14      A     They would be there, yes.

15      Q     And is that something that would be  
16 maintained even after the inmate leaves the  
17 institution?

18      A     It's a permanent record, yes.

19      Q     Can it be called up now even though it's  
20 three years after he left?

21      A     It may be able to be called up. I never have  
22 tried for an inmate who's not currently here.

23      Q     Would you be able to check to see if you made  
24 any notes by doing that, by calling up?

25      A     I would.

1 Q Could you do that?

2 A Um-hum. Yes.

3 Q And if so, I'd like a copy of those.

4 A Okay.

5 Q Did you discuss programming needs with Mr.  
6 Chappelle when he came back in April of 2009?

7 A I don't know. That's normally part of the  
8 initial reception interview. And for parole violators  
9 for whose files I would have or have the information  
10 that, you know, tells me why they were recommitted to  
11 make an informed decision on programming, I may have.  
12 But I can't be certain in his case whether I did or  
13 not.

14 Q You don't recall any discussions of you  
15 telling him he needed to take a program and him saying  
16 I already took that?

17 A I don't recall that at all, no.

18 (Whereupon, a document was produced and  
19 marked as Foulds Exhibit No. 2 for identification.)

20 BY MS. TOBIN:

21 Q I'm showing you what I marked as Foulds 2.  
22 Do you recognize that document?

23 A Yes. It's a classification.

24 Q And can you tell me what the purpose is or  
25 what is this? What's the purpose of this document?

1       A     This document is to establish an inmate's  
2 custody level, program codes, and other needs  
3 assessments.

4       Q     And is this something that you would input  
5 data into the computer and it would generate this  
6 document?

7       A     Yes.

8       Q     And is this how you would track the  
9 programming needs that you talked about before?

10      A     No. This is not the form that I would use to  
11 track programming needs, no. That's a completely  
12 different form.

13      Q     What is the form to track programming needs?

14      A     It's a DC-43 correctional plan.

15      Q     And this is used to establish classification  
16 of the inmate?

17      A     Yes. Custody level, program code needs, and  
18 pretty much all the whole classification umbrella is  
19 what this is for to classify an inmate.

20      Q     And how would you use this information or how  
21 did it --

22      A     This program is designed to come up with an  
23 accurate custody level for an inmate based on the  
24 information that's input. And then if there are  
25 program codes needed to go along with that inmate's

1 custody level, that would also be contained within  
2 this program.

3 Q And program codes meaning treatment programs  
4 or other types of programs?

5 A No. Program codes meaning if the inmate had  
6 other things associated with his security level, his  
7 security custody level. Like if he was an escape  
8 risk, you would give him a certain program code. If  
9 he was on the mental health roster, you would give him  
10 a certain program code.

11 So based on specific needs, there may be a  
12 code that accompanies the custody level that would be  
13 determined and input through this program as well.

14 Q Okay. And did you do this first -- did you  
15 do the input for this first page that's identified as  
16 920 in the bottom right corner?

17 A Yes.

18 Q And under the needs assessment, what is a  
19 most recent and it looks like stability rating. Is  
20 that accurate?

21 A Yes. What a stability rating is is  
22 determined by the psychology department through  
23 psychological assessment.

24 Q And on the next page which is marked 921 in  
25 the bottom corner, remarks, other needs, comments.

1 Can you explain what those comments mean?

2 A Yeah. Those are comments that were input by  
3 me. What it means is the probation of -- or the  
4 Pennsylvania Board of Probation and Parole 15 which is  
5 essentially the board action form recorded on this  
6 date, April 16th, 2009.

7 The essential part on that that tells me how  
8 to deal with this inmate says referred to the board  
9 action -- a previous board action from June 25th, 2007  
10 to recommit to a state correctional institution as a  
11 technical parole violator to serve 36 months backtime.

12 So I extracted that directly from the board  
13 action. That's what the parole department in their  
14 board action tells me has been the decision of what to  
15 do with this inmate.

16 Q So that's the document you didn't have when  
17 you first spoke with Mr. Chappelle?

18 A Yeah. I must not have had it at that time.

19 Q So --

20 A This doesn't say when I received it. But I  
21 would have received it by the time that I did the  
22 classification. It may have been pretty close to that  
23 date, but I can't say when.

24 Q Do you recall taking any -- doing any further  
25 investigation about Mr. Chappelle's complaint after

1 you got the PBPP-15?

2 A No. Because I take that document to be  
3 accurate. I don't know how they come to make that  
4 decision. All I know is that once I've been told  
5 that's been the decision, I take that as the  
6 information to work from from the point I receive it.

7 I don't even know how they come to determine  
8 a parole violator before, how they come to their  
9 decision. So there's nothing for me to investigate.  
10 I don't work for the parole department so I can't  
11 determine whether they were correct or not correct.

12 Q And you didn't call them to find out what the  
13 reason was for this parole board action? Didn't call  
14 the parole board?

15 A I don't think I did. Now, on the board  
16 action they would list sometimes -- and it may not  
17 have been this board action from April 2009. It may  
18 have been one from June 2007. They would list  
19 reasons.

20 So maybe -- I don't know if that's what you  
21 meant to ask me did I call them and ask them why.  
22 There would be reasons listed within that board action  
23 of why he was recommitted. It would spell that out  
24 because this one sentence is not the entire board  
25 action. Is that what you meant to ask?

1           MR. KEATING: No. Just respond to the  
2 questions. I think the question was do you recall if  
3 you called the board of probation and parole. I think  
4 you said you don't believe you did.

5           THE WITNESS: Okay.

6 BY MS. TOBIN:

7           Q     My question -- another question is --

8           MR. KEATING: We can give her questions to  
9 ask but I'm sure she has enough of her own without us  
10 giving her some more. That's okay. I understand.  
11 You're trying to explain.

12          THE WITNESS: Afterward I thought that what  
13 your question meant to me was did I call them to ask  
14 them what the reasons were. The board action tells me  
15 what the reasons are. That's all.

16 BY MS. TOBIN:

17          Q     So Mr. Chappelle at this point in time on May  
18 21st of '09, he's still here at Coal Township and  
19 you're still his counselor. And I don't have every  
20 single date in front of me of when you had those  
21 conversations but my basic question is he's still  
22 complaining -- he complained essentially from April to  
23 July of being here, that he shouldn't be here. So my  
24 question is --

25          MR. KEATING: I'm going to object to that.

1 He complained from April to July. You're putting  
2 things in the record which are not. There have been  
3 some complaints that he has of record. But the way  
4 you characterize it is misleading.

5 BY MS. TOBIN:

6 Q Okay. I guess I'm fine with your answer.  
7 You didn't call them. That's fine. Do you remember  
8 getting any phone calls from his family members  
9 after -- between April and July of 2009?

10 A I don't remember that.

11 Q Do you sometimes get calls from family  
12 members?

13 A Sometimes I do.

14 Q And if you did, would those be recorded in  
15 the DC-14? Would a record of the fact of a call?

16 A Sometimes, but not always. Generally when  
17 inmates' families call me, they ask for information  
18 and many times because there's a release of  
19 information policy, I'll tell them that what they're  
20 asking me I will tell the inmate directly and they can  
21 contact him. He can give them their answer. Most  
22 often that's my response when families call me.

23 Q At any time during that period, April to July  
24 of '09, did Superintendent Varano contact you to  
25 discuss Mr. Chappelle?

1 A I don't recall.

2 Q Did you have any meetings with the unit  
3 manager at the time who was Mr. Dunn about Mr.  
4 Chappelle?

5 A I don't recall that either.

6 Q And what about any meetings with anybody in  
7 the records department?

8 A I've never had a meeting with a records  
9 department person.

10 Q Did you make any phone calls to the records  
11 department to try to help Mr. Chappelle straighten out  
12 the sentence credit issue?

13 A I've said before that I think that I did. My  
14 general impression is that I did call the records  
15 department just to feel out the situation. But I  
16 can't definitively say that I did or who I spoke to.

17 Q In 2009, did you use a form called the moves  
18 report? Did you have access to the move report?

19 A I don't know what you mean by a move report.

20 Q I'm showing you what's been previously marked  
21 as Kodack 28. Does that document look familiar to  
22 you?

23 A Yes. That's something that I can access  
24 through the computer system.

25 Q And under what circumstances would you access

1       that?

2           A     If I had to determine where an inmate was  
3 previous to being sent here.

4           Q     You could take a look at that?

5           A     I could look at it electronically.

6           Q     Do you know whether you accessed the moves  
7 report in connection with Mr. Chappelle's complaints?

8           A     I do not. I do not remember.

9           Q     Do you know if Mr. Chappelle did ever contact  
10 the institutional parole office about his complaint?

11          A     I don't know if he did or not.

12          Q     Do you know if he ever contacted the records  
13 department about his complaint?

14          A     No. I don't know.

15          Q     Did Mr. Chappelle ever submit any inmate  
16 request forms? Do you remember if he ever submitted  
17 any inmate request forms to you about this issue?

18          A     I don't remember whether he did or not.

19          Q     Okay. Regardless of whether he did, you did  
20 talk with him?

21          A     I did speak with him personally, yes.

22          Q     Just a couple more questions. Do you have  
23 any criminal convictions?

24          A     No.

25          Q     And do you have any military experience?

1 A I do not.

2 MS. TOBIN: Okay. I don't have any more  
3 questions for you right now.

4 CROSS-EXAMINATION

5 BY MR. KEATING:

6 Q I have a couple questions. The parole board  
7 recalculates and they change an inmate's maximum date  
8 based on a board action; is that a correct statement?

9 A The parole board -- can you please repeat  
10 that?

11 Q Can the parole board recalculate and change  
12 an inmate's maximum date based on the board action?

13 A I do not exactly know. But I know that the  
14 parole board gives information to the Department of  
15 Corrections that tells the Department of Corrections  
16 what changes should be made to an inmate's maximum  
17 sentence. Whether it's based on a board action or  
18 based on the information that generates the board  
19 action, I can't say.

20 Q Okay. And we were looking at this Foulds  
21 Exhibit Number 2. This one here. And we were looking  
22 at page two under remarks, other needs, comment. And  
23 I believe you were saying that there it said that  
24 PBPP-15 of 04/16/09 which is April 16th of 2009.

25 A Yes.

1 Q You entered this and it says served 36-month  
2 backtime, correct?

3 A Correct.

4 Q And was that based on a green sheet or  
5 something you got from the board of probation and  
6 parole?

7 A Yes. What this tells me essentially it's a  
8 hyphenated version of what's on the green sheet. So  
9 it tells me that's the report I looked at on the date  
10 4/16/09 and this remark here, refer to board action of  
11 6/25/07 to recommit to a state correctional  
12 institution as a technical parole violator serve  
13 36-month backtime is nearly verbatim copied and pasted  
14 directly from the wording on the green sheet.

15 Also, all of this is exactly extracted from  
16 that board action.

17 Q So that's saying that you were notified by  
18 the board in April of 2009 he still had 36-month  
19 backtime; is that a correct statement?

20 A It's telling me April 16th, 2009 this board  
21 action was recorded. I can't say that I received it  
22 on that date. It could have been anytime thereafter.

23 Q Okay. That's not what I'm asking. That's  
24 not what I'm asking.

25 A The board action tells me he has 36 months

1 backtime to serve.

2 Q As of April 16th, 2009, the board is telling  
3 you he has 36 months backtime?

4 A Yes. Now, I didn't list anything else.

5 Q That's just what I'm asking. Okay. So after  
6 the board told you that April of '09 he had 36 months  
7 backtime yet, did you have any reason to try to  
8 further investigate Mr. Jessup's claim that he was  
9 being held past his max date?

10 A No. I take the board action as direction.

11 Q Okay. So I'm just asking. I mean did you  
12 have any reason to do any more investigation or call  
13 up the parole board once you got that information from  
14 the board?

15 A I had no reason to do anything at all. I  
16 took the information and acted on it once I received  
17 it.

18 Q And was Mr. Jessup the first parole violator  
19 who came back and told you they believed they were  
20 being held beyond their sentence amount? Is he the  
21 first inmate that's come and ever told you --

22 A Oh, never. No. They always, you know,  
23 dispute.

24 Q It's not unusual?

25 A It's not unusual and very often they don't

1 tell you the circumstances that were the fact of the  
2 matter.

3 Q But did you ignore what Mr. Jessup told you  
4 or did you actually look into it when he first told  
5 you about what he thought his situation was?

6 A I don't believe I ignored it at all. I know  
7 I had conversation with him, tried to get the story of  
8 what happened, you know, through his report to me.  
9 Tried to understand where he said there was a  
10 discrepancy. I never understood where the discrepancy  
11 laid. Then I received the board action and took that  
12 to be accurate.

13 Q And did you tell him about the board action  
14 and say look, Mr. Jessup, the board's telling you you  
15 got 36 more months. Did you ever tell him that?

16 A I can't say whether I did. But if I  
17 classified him, most likely I sat down with him to do  
18 this because I may have had him sign a form or  
19 something.

20 Q Do you know what a green sheet is from the  
21 board?

22 A Yes. The green sheet is a board action.

23 Q And do they give them to the inmate that they  
24 take the action against?

25 A Absolutely, yeah.

1 Q So did Jessup probably have -- well, that's  
2 speculation. I'm not going to ask. Do you know  
3 whether he had a copy of a green sheet from the board  
4 saying he had a 36-month backtime hit or not?

5 A I don't know if he had a copy.

6 MR. KEATING: Okay.

7 REDIRECT EXAMINATION

8 BY MS. TOBIN:

9 Q Just one more. What is your understanding of  
10 what backtime is?

11 A My understanding is backtime is time that the  
12 inmate was on parole but now the parole board has  
13 rescinded a portion of that time and said that that  
14 inmate owes that time in incarceration because of a  
15 violation.

16 So it was time that the inmate was in the  
17 community and has been retracked and put back on to  
18 them to owe that time to be spent either incarcerated  
19 or at the end of the period of time that they have to  
20 serve.

21 Q So it's time that the inmate has to spend  
22 incarcerated?

23 A Or added on to their sentence at the end to  
24 increase their maximum sentence. So it may not --  
25 they may come back. Let's say hypothetically if they

1       were told they have six months backtime,  
2       hypothetically, and they came back to jail and after  
3       three months were reparoled, so then there would still  
4       be three months of that time that were already  
5       calculated in to their new parole violation max date.

6                   So it's a portion of time where they were on  
7       parole that has now been reintroduced into the rest of  
8       the time of that sentence that's remaining whether  
9       it's incarcerated or not.

10                  MS. TOBIN: Thank you.

11                  MR. KEATING: That's it. Thank you very  
12       much.

13                  THE WITNESS: Thank you.

14                  (Whereupon, the deposition was concluded at  
15       3:35 p.m.)

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25

1 COUNTY OF UNION :  
2 COMMONWEALTH OF PENNSYLVANIA:

3 I, Faith A. Culp, the undersigned Notary  
4 Public, do hereby certify that personally appeared  
5 before me, RENEE FOULDS; the witness, being by me  
6 first duly sworn to testify the truth, the whole truth  
7 and nothing but the truth, in answer to the oral  
8 questions propounded to her by the attorneys for the  
9 respective parties, testified as set forth in the  
10 foregoing deposition.

11 I further certify that before the taking of  
12 said deposition, the above witness was duly sworn,  
13 that the questions and answers were taken down  
14 stenographically by the said Faith A. Culp, Court  
15 Reporter, Winfield, Pennsylvania, approved and agreed  
16 to, and afterwards reduced to typewriting under the  
17 direction of the said Reporter.

18 In testimony whereof, I have hereunto  
19 subscribed my hand this 29th day of June, 2012.

20   
Faith A. Culp

21 Faith A. Culp  
22 Reporter-Notary Public  
23 My Commission Expires  
24 August 23, 2014  
25

Job Code	Pay Scale Group	Pay Scale Type	Bargaining Unit	Civil Service or Non-Civil Service	Executive Board Change	Last Change Effective
47540	07	ST	F4	C	606-23	4/8/1998

Click on Job Code for current expanded information, on Pay Scale Type for current Pay Scale Type, Civil Service or Non-Civil Service to obtain the Evaluation Guide (if available), on Executive Board Change to obtain the Executive Board amendment listed and on Last Change Effective to obtain history.

04/08/1998

47540

## CORRECTIONS COUNSELOR 2

**DEFINITION:** This is advanced professional work in counseling and providing casework services to inmates in a Commonwealth Correctional Institution, Facility, or Community Corrections Center.

An employee in this class performs a variety of duties of more complex nature utilizing casework, group and individual counseling methods and techniques to help inmates to adjust to institutionalized living, to assist them in solving social, economic, and emotional problems to the extent of influencing changes in attitude and behavior, and to develop a sense of dignity and responsibility. An employee in an Institution, Regional Facility, or Community Corrections Center is assigned cases identified with unusually difficult behavior and adjustment problems which require considerable independence in the selection of courses of action and for which established guidelines, techniques, standards are not available or non-existent. An employee in a community based center assists the director in the administration of an individualized treatment program, including involvement in individual and group counseling and assisting inmates to adjust to pressure, problems and rules of conduct of society during transition from a structured supervised institution environment to a less structured community based setting. Supervisor is received from a professional or administrative superior and is reviewed for effectiveness through observation, conferences, and evaluation of results.

**EXAMPLES OF WORK:** Provides intensive and extensive counseling services to inmates identified with unusually difficult behavior and adjustment problems; provides inmates with individual and group counseling services during reception and through entire institutional, facility, or center assignment.

Administers and analyzes aptitude and interest tests, compiles socio-demographic histories, and develops case records which include initial medical, psychological, and psychiatric evaluations, tests and measurements, and final clinical evaluation.

Resolves problems relating to the implementation of individualized treatment plans through the support team, including housing, academic and vocational training, job placement, and social, economic, and behavioral adjustments.

Coordinates inmate treatment objectives with other institution activities and services to obtain cooperation and for the effective utilization of personnel and material resources.

Participates in parole planning and makes recommendations regarding furloughs, special privileges, treatment plan changes, and release to community based center.

Assists inmates through individual counseling and group therapy in the transition from a structured supervised institutional environment to a less structured community based center.

Assists the director of the community based center in the administration of an individualized treatment program; promotes community understanding and acceptance of the institution inmate treatment program and the

EXHIBIT

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resident and non-resident community based program through speaking engagements personal contact with business and community leaders, and conducting institutional tours.

Develops employment opportunities, instructs inmates on procedures for application and requirements for job retention, and provides educational and academic guidance.

Provides assistance in resolving personal and family problems, utilization of leisure time in recreation and entertainment, and on matters relating to financial management.

Enforces house rules for eligibility and continued assignment in a community based service program.

Provides information regarding availability of medical and social services through community and other state agency sources.

Attends scheduled in-service training programs designed to improve counseling methods and techniques and for the development of management skills.

Performs related work as required.

**REQUIRED KNOWLEDGES, SKILLS, AND ABILITIES:** Knowledge of counseling and casework methods and techniques.

Knowledge of individual and group behavior of the under privileged, minorities, and persons with criminal and delinquent backgrounds.

Knowledge of medical and social services, academic and vocational training, and recreation available in an institution and the community.

Knowledge of correctional institution or facility, or community based center operation and management.

Skills in applying the counseling techniques needed in dealing with inmates with unusually difficult behavior and adjustment problems.

Ability to review medical, socio-demographic histories, psychological and psychiatric evaluations, vocational and educational data and make recommendations for individualized treatment plans for inmates with unusually difficult behavior and adjustment problems.

Ability to establish and maintain effective working relationships with associates.

Ability to counsel inmates with unusually difficult behavior and adjustment problems.

Ability to communicate effectively orally and in writing.

Ability to prepare and maintain reports.

**MINIMUM EXPERIENCE AND TRAINING:** One year as a Corrections Counselor I;

or

Two years of professional experience providing casework or counseling services to adult clients or inmates in a social service setting, and a bachelor's degree in sociology, psychology, counseling, social work, corrections and law enforcement, or a related field;

or

One year of professional experience providing casework or counseling

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services to adult clients or adult inmates in a social service setting, and a master's degree in sociology, psychology, counseling, social work, corrections and law enforcement, or a related field;

or

Two years of professional educational experience in a correctional facility and a bachelor's degree in sociology, psychology, counseling, social work, corrections and law enforcement, education, or a related field which includes 18 college credits in the behavioral sciences, corrections, law enforcement, or a closely related area.

or

Any equivalent combination of experience and training which includes either two years of professional counseling experience in a correctional facility or 18 college credits in the behavioral sciences, corrections, law enforcement, or a closely related area.

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mkodack 2/8/2012 1:36:17 PM**Pennsylvania Department of Corrections**

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**Inmate Query - Classification HistoryInitial**

Production

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**Inmate Apps**    **Inmate Inquiry**    **Reports**    **Photos**    **JNET**

**Inmate #:** CX8799    **INACTIVE**    **Name:** JESSUP, Kevin    **Cust Lvl:**    **Prog Cd:**    **Last Perm Loc:** Coal Townsl  
**Race:** Black    **DOB:** 04/03/1975    **Housing Unit:**    **Temp Loc:**  
**SID:** 217-14-12-7    **FBI #:** 511135TA5    **PBPP #:** 496AS    **Counselor:** Foulds, Renee M    **Detainers:** NO

**Total Score:** N/A**Custody Level:** 4**Override Custody Level:** None**Program Codes:****JNet Inmate****\*\*\* Initial Classification Information \*\*\*****New Search****Staff Name:** Foulds, R**Title:** CC**Classification Date:** 05/21/2009**Identification**  
(Inmate #/SID/  
Phil. Photo #/S#)**Re-Classify In:** 08 Months**Reason for Re-Class:** Next Routine Reclassification**Ge****Severity of Current Off:** TCV - Technical And Convicted Parole Violator**Severity of Criminal History:** CC3701 - Robbery (general)

XX0815 - Vufa

CC6106 - Firearm Not To Be Carried W/o License

**Escape History:** None**Institutional Adjustment:** Poor**Number of Prior Commitments:** 02**Time to Expected Release:** 30 Months**Age:** 34 Years**Marital Status:** Single**Employed During Prior 6 Months:** Unknown/No**\*\*\* Needs Assessment \*\*\*****Emotional Needs:** No Identified Mh/mr Needs**Date Most Recent Stability Rating:** 05/21/2009**Drug/Alcohol Needs:** No AOD service**D/A Score:****Type of Problem:** None**How Found:** Other**Comments:** Has Not Yet Been Assessed Since Recommitment.**Educational Needs:** High School Graduate**How Found:** Self Report**Comments:****EXHIBIT**

Foulds-2

**Vocational Needs:** Unskilled**How Found:** Self Report**Comments:**

DEF000920

(3)

**Sexual Problems Related to:**

**Severity Of Problem:** None Known

**Remarks/Other Needs Comments:**

Pbpp-15 Of 04/16/09: Refer To Ba Of 06/25/07 To Recommit To An Sci  
As A Tcv To  
Serve 36m Backtime. Participate In Aod Counseling. Review In/after Nov.  
2011.

**\*\*\* Override Information \*\*\***

**\*\*No override data on file for this inmate\*\***

Return To History

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## Pennsylvania Department of Corrections

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## Inmate Query - Classification History ReClassification

Production

Inmate Apps \ Inmate Inquiry \ Reports \ Photos \ JNET

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**Inmate #:** CX8799    **INACTIVE**    **Name:** JESSUP, Kevin    **Cust Lvl:**    **Prog Cd:**    **Last Perm Loc:** Coal Townsl  
**Race:** Black    **DOB:** 04/03/1975    **Housing Unit:**    **Temp Loc:**  
**SID:** 217-14-12-7    **FBI #:** 511135TA5    **PBPP #:** 496AS    **Counselor:** Foulds, Renee M    **Detainers:** NO

**Total Score:** 9  
**Custody Level:** 3  
**Override Custody Level:** None  
**Program Codes:**

JNet Inmate



## \*\*\* Re-Classification Information \*\*\*

**Staff Name:** Maresca, G  
**Title:** CC  
**Re-Class Date:** 02/21/2007  
**Re-Classify In:** 12 Months  
**Reason for Re-Class:** Next Routine Reclassification  
**Severity of Current Off:** TCV - Technical And Convicted Parole Violator  
**Severity of Criminal History:** CC3701 - Robbery (general)  
XX0815 - Vufa  
CC6106 - Firearm Not To Be Carried W/o License  
**Institutional Violence:** No Weapon/injury More Than 10 Years Or None  
**Disciplinary Reports:** Two Or More During Last 6 Months  
**Most Severe Rpt/18 Months:** Class I Offense, Category B  
**Age:** 31 Years  
**Escape History:** None  
**Program Compliance:** Partial Compliance  
**Work Performance:** Average  
**Housing Performance:** Average

New Search

Identification  
(Inmate #/SID/  
Phil. Photo #/SS)

## \*\*\* Needs Assessment \*\*\*

**Emotional Needs:** No Identified Mh/mr Needs  
**Date Most Recent Stability Rating:** 02/21/2007

**Drug/Alcohol Needs:** No AOD service**D/A Score:** 00**Type of Problem:** None**How Found:** Self Report

D/A Tool

**Comments:****Educational Needs:** High School Graduate**How Found:** Self Report**Comments:****Vocational Needs:** Semi Skilled

DEF000922

(3)

How Found: Self Report

Comments:

Sexual Problems Related to:

Severity Of Problem: None Known

Remarks/Other Needs Comments: Needs To Remain Free Of Misconducts.

\*\*\* Override Information \*\*\*

\*\*No override data on file for this inmate\*\*

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